IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22716 of 2004

Between:

1 Sk. Khadar Mohiddin S/o Abdul Kareem Sahab
R/o Vulavapadu, Prakasam District.
2 Sk. Sultana W/o Khadar Mohiddin
R/o Vulavapadu, Prakasam District.
3 SK. Naveed, S/o Khadar Mohiddin
R/o Vulavapadu, Prakasam District.

..... PETITIONERS

AND

-

1 The Station House Officer, Nellore Women P.S. Nellore.
2 Sd. Ahmed Basha S/o Late Hasan Saheb
R/o Magunta Layout, Vaibhav Apartment, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent No.1 in registering Crime No. 34/2004 dt.22-11-2004 against the petitioners as illegal, arbitrary and abuse of process of law and further direct the respondent No.1 to delete the names of the petitioners in the Crime No. 34/2004.

Counsel for the Petitioners: MR.C.RAGHU

Counsel for Respondent No.1: GP FOR HOME

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the Station House Officer, Women P.S. Nellore in registering Crime No.34 of 2004 against the petitioners illegal and arbitrary.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

The scope of interference with the F.I.Rs in writ petition under Article 226 of the Constitution of India is very limited and restricted. It is only, when it is established that the investigating officer is acting mala fide or that the complaint does not disclose any case, that relief can be granted in writ petitions. In rest of the cases, the parties have to avail the remedies or take steps under relevant provisions of the Code of Criminal Procedure.

In the present case, the proceedings are still at the stage of investigation. The first respondent registered Crime No.34 of 2004 on the basis of a complaint submitted by the second respondent. At this stage, it is not competent for the first respondent to exclude any names from the F.I.R. It is only after the completion of the investigation that necessary decision can be taken in that regard.

Hence, the Writ Petition is dismissed leaving it open for the petitioners to workout their remedies in accordance with the provisions of the Code of Criminal Procedure.

L. Narasimha Reddy, J.

9th December, 2004

js.

To

1 The Station House Officer, Nellore Women P.S.

Nellore.

2 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

3 2 CD copies.